

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 20-46358

SHARON Y. HUNTER,

Chapter 7

Debtor.

Judge Thomas J. Tucker

ORDER DENYING DEBTOR'S MOTION TO EXTEND THE AUTOMATIC STAY

This case is before the Court on a motion filed on July 8, 2020 by the Debtor, entitled “Debtor’s Amended Motion to Extend Automatic Stay” (Docket # 22, the “Motion”). The Court must deny the Motion, because it was not timely filed, and it was filed too late to enable the Court to comply with the 30-day hearing deadline of 11 U.S.C. § 362(c)(3)(B).

Under 11 U.S.C. § 362(c)(3)(B), in order for the Court to extend the automatic stay, a hearing on a motion to extend the automatic stay must be completed within 30 days after the filing of the case. Because of the statute’s 30-day hearing deadline, LBR 4001-4(a) (E.D. Mich.) requires that a motion to extend the stay be filed and served within seven days after the bankruptcy petition is filed. LBR 4001-4(a) provides further: “When such a motion is filed, the court will schedule a hearing with a notice to all parties in interest. If the movant has not received a notice of hearing within seven days after filing the motion, the movant may contact the judge’s courtroom deputy clerk to obtain a hearing date within the time limit established by law.”

Debtor filed her voluntary petition for relief under Chapter 7 in this case on June 1, 2020. Debtor did not file the Motion until July 8, 2020, which was 37 days after the petition date, and therefore 30 days after the deadline to file such a motion expired under LBR 4001-4(a).¹ And the

¹ The Court notes that the Debtor initially filed a motion to extend the stay on June 1, 2020, but that motion was stricken on June 10, 2020, because of the Debtor’s failure to comply with a deficiency

Motion was filed after the 30-day post-petition period expired on July 1, 2020.

Because it is now obviously too late to conclude a hearing on the Motion within 30 days after the petition date, the Motion must be denied.

Accordingly,

IT IS ORDERED that the Motion (Docket # 22) is denied.

Signed on July 9, 2020



/s/ **Thomas J. Tucker**

Thomas J. Tucker
United States Bankruptcy Judge

notice. (*See* Docket ## 9, 17). The Debtor did not re-file a motion to extend the stay until 28 days later, on July 8, 2020.